

Release  
Date: March 17, 1998  
Release #: S.C. 10/98

**SUMMARY OF CASES ACCEPTED  
DURING THE WEEK OF MARCH 9, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-28 People v. Anzalone, S066764. (B106931; 59 Cal.App.4th 230.) Petition for review after the Court of Appeal affirmed an order in a mentally disordered offender proceeding. This case concerns the definition of “force or violence” for the purpose of determining whether a defendant convicted of a non-enumerated crime qualifies as a mentally disordered offender. (See Pen. Code, §2962(e)(2)(P).)

#98-29 Davis on Habeas Corpus, S062716. (A077657.) Unpublished opinion. Petition for review after the Court of Appeal granted habeas corpus relief in part.

#98-30 People v. Frazer, S067443. (A078053.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order denying a motion to reinstate a felony complaint.

Davis and Frazer both concern the constitutionality of applying an amendment to Penal Code section 803, which extended the statute of limitations for certain sex offenses involving children, to cases in which the previously existing statute of limitations had expired before the amendment was adopted.

(over)

#98-31 Hoff v. Vacaville Unified School Dist, S050162. (A077021; 59 Cal.App.4th 533.) Petition for review after the Court of Appeal reversed a judgment of nonsuit of a civil action. This case concerns whether a school district may owe a duty of care to a nonstudent, situated off school premises, who is injured by a student driving negligently out of a school parking lot.

#98-32 People v. Martin, S067195. (B108408.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses but remanded for resentencing.

#98-33 People v. McClain, S067006. (C024299; 59 Cal.App.4th 696.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses but remanded for resentencing.

#98-34 People v. Piggie, S066829. (B108625.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses but remanded for resentencing.

#98-35 People v. Sistrunk, S066955. (B103999.) Unpublished opinion. Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses but remanded for resentencing.

Martin, McClain, Piggie, and Sistrunk all present issues, concerning the relationship between Penal Code sections 654 and 667(c)(6), similar to one before the court in People v. Deloza, S061929. (See #97-119.)

#98-36 People v. Tran, 067199. (H016119; 59 Cal.App.4th 1125, mod. 60 Cal.App.4th 792I.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning the application of term doubling to a second strike defendant convicted of a crime punishable by a life sentence, which is related to an issue before the court in People v. Jefferson, S057834. (See #97-31.)

## DISPOSITIONS

#97-183 People v. Quinn, S064585, was transferred to the Court of Appeal for reconsideration in light of People v. Williams, 17 Cal.4th 148.

**The following cases were dismissed and remanded to the Court of Appeal.**

#96-47 People v. Jackson, S051778.

#97-173 People v. Moore, S064458.

#